

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jennifer Brooks on 12/1/09.

The application has been amended as follows:

Claims 54 and 55 have been canceled.

Claims 57 and 58 have each been put into independent form incorporating claim 54, as follows.

In claim 57, line 1, "The method of claim 54," has been replaced with the following:

- - A method for operating a barrier consisting of at least one of a gate or garage door, to move between open and closed positions, said barrier being operably connected to an operator system including a controller comprising a base control circuit, a human operator controllable base switch operably connected to said base control circuit, a radio frequency base transmitter, and a radio frequency base receiver and plural remote control units operable to communicate with said controller, each of said remote control units including a radio frequency remote transmitter, a radio frequency remote receiver and a switch operable to cause said remote transmitter to transmit a signal to said base receiver, said method comprising the steps of:

actuating said base switch to cause said operator to open said barrier;

causing said base transmitter to emit search signals in response to

actuating said base switch to search for said remote control units; and

causing said barrier to remain in an open position automatically in
response to ~~as long as~~ said base receiver receiving ~~receives~~ an acknowledgement
signal transmitted from at least one but not all of said remote control units in response
to said search signals from said base transmitter, the method - - .

In claim 58, line 1, "The method of claim 54," has been replaced with the
following:

- - A method for operating a barrier consisting of at least one of a gate or garage door,
to move between open and closed positions, said barrier being operably connected to
an operator system including a controller comprising a base control circuit, a human
operator controllable base switch operably connected to said base control circuit, a
radio frequency base transmitter, and a radio frequency base receiver and plural remote
control units operable to communicate with said controller, each of said remote control
units including a radio frequency remote transmitter, a radio frequency remote receiver
and a switch operable to cause said remote transmitter to transmit a signal to said base
receiver, said method comprising the steps of:

actuating said base switch to cause said operator to open said barrier;

causing said base transmitter to emit search signals in response to actuating said base switch to search for said remote control units; and causing said barrier to remain in an open position automatically in response to ~~as long as~~ said base receiver receiving ~~receives an~~ acknowledgement signal transmitted from at least one but not all of said remote control units in response to said search signals from said base transmitter, the method - - .

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blair M. Johnson whose telephone number is (571) 272-6830. The examiner can normally be reached on Mon.-Fri., 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Blair M. Johnson/
Primary Examiner, Art Unit 3634

BMJ
12/3/09